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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/748,520 Confirmation No. 7282
Applicant : Irene Spitsberg et al.
Filed: : December 30, 2003
TC/Art Unit: : 1775
Examiner : John J. Zimmerman

Docket No. : 129968
Customer No. : 27127

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

DECLARATION UNDER 37 CFR §1.132

I, MARK DANIEL GORMAN, depose and say that:

(1) I, along with Irene Spitsberg, Venkat Subramanian Venkataramani, Brett Allen Boutwell, and Robert William Bruce, are joint inventors of the subject matter covered by the claims pending in the above-identified patent application ("Application").

(2) I have been informed that claims 1, 2, 6-12, 16-18, 20-25, and 28 of the Application are rejected under 35 USC §102(e) as claiming subject matter disclosed but not claimed in U.S. Patent No. 6,982,126 to Darolia et al. ("Darolia"), for which Irene Spitsberg, Venkat Subramanian Venkataramani,

Application No. 10/748,520
Technology Center 1775
Reply dated November 21, 2007
In Response to Office Action dated May 24, 2007

Brett Allen Boutwell, and I are also named inventors.

(3) Irene Spitsberg, Venkat Subramanian Venkataramani, Brett Allen Boutwell, and I conceived or invented the subject matter that has been cited in the §102(e) rejection as being disclosed but not claimed in Darolia, namely, a thermal barrier coating having a ceramic composition containing zirconia, yttria, and lanthana in amounts and ratios within the ranges recited in the rejected claims. As such, the subject matter relied on under the §102(e) rejection was derived from us, and therefore is not an invention "by another."

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

 11/21/07
MARK DANIEL GORMAN